

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of)	
)	
Clarence Telephone Company, Inc. d/b/a Cedar)	File No. EB-02-MDIC-0040
Communications v. AT&T Corp.)	
)	

ORDER

Adopted: December 18, 2002

Released: December 20, 2002

By the Chief, Market Disputes Resolution Division, Enforcement Bureau:

1. On April 4, 2002, pursuant to section 1.716 of the Commission rules,¹ Clarence Telephone Company, Inc. d/b/a Cedar Communications ("Cedar") filed an informal complaint against defendant AT&T Corp. ("AT&T") in the above-captioned matter. On July 19, 2002, AT&T filed a report pursuant to section 1.717 of the Commission's rules² denying the allegations in Cedar's informal complaint. Pursuant to section 1.718 of the Commission's rules,³ Cedar is required to convert its informal complaint into a formal complaint within six months from the date of AT&T's report to ensure that the formal complaint relates back to the April 4, 2002 filing date of the informal complaint for purposes of the statute of limitations.

2. Since the filing of the informal complaint, Cedar and AT&T have engaged in negotiations to resolve the alleged disputed issues, and believe that progress is being made during these settlement negotiations.⁴ Accordingly, Cedar requests a waiver of section 1.718 of the Commission's rules and an extension of time until January 23, 2003, to convert its informal complaint against AT&T into a formal complaint, if necessary.⁵ Counsel for AT&T has consented to Cedar's request.⁶

3. We are satisfied that granting Cedar's consent motion will serve the public interest by promoting the private resolution of disputes and by postponing the need for further litigation and

¹ 47 C.F.R. § 1.716.

² 47 C.F.R. § 1.717.

³ 47 C.F.R. § 1.718.

⁴ Consent Motion of Complainant For Extension of Time In Which To Convert Informal Complaint To Formal Complaint and Toll Limitations Period, *Clarence Telephone Company, Inc. d/b/a Cedar Communications v. AT&T Corp.*, File No. EB-02-MDIC-0040 (filed Dec. 12, 2002) (*Consent Motion*).

⁵ *Consent Motion* at 3.

⁶ *Id.*

expenditure of further time and resources of the parties and of this Commission until such time as may actually be necessary.

4. Accordingly, IT IS ORDERED, pursuant to sections 4(i), 4(j), and 208 of the Communications Act of 1934, as amended, 47 U.S.C. §§ 154(i), 154(j), and 208, and sections 1.3 and 1.718 of the Commission's rules, 47 C.F.R. §§ 1.3, 1.718, and the authority delegated in sections 0.111 and 0.311 of the Commission's rules, 47 C.F.R. §§ 0.111, 0.311, that the Consent Motion of Complainant For Extension of Time In Which To Convert Informal Complaint To Formal Complaint and Toll Limitations Period IS GRANTED.

5. IT IS FURTHER ORDERED that, unless otherwise extended by order, the deadline that would otherwise apply under section 1.718 of our rules, 47 C.F.R. § 1.718, is hereby waived, and the date on which Clarence Telephone Company, Inc. d/b/a Cedar Communications must convert its informal complaint against AT&T Corp. into a formal complaint pursuant to section 1.718 of our rules, 47 C.F.R. § 1.718, is extended to January 23, 2003.

FEDERAL COMMUNICATIONS COMMISSION

Alexander P. Starr
Chief, Market Disputes Resolution Division
Enforcement Bureau